



STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CSC TKR, INC. D/B/A CABLEVISION OF)
RARITAN VALLEY FOR RENEWAL OF A)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN THE BOROUGH)
OF BOUND BROOK, COUNTY OF)
SOMERSET, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

BPU DOCKET NO. CE01090546

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Borough Clerk, Borough of Bound Brook, Thomas Brodbeck, for the Borough.

BY THE BOARD¹:

On August 12, 1977, the Board granted Cross Country Cable, Ltd. ("Cross Country") a Certificate of Approval in Docket No. 775C-6281, for the construction, operation and maintenance of a cable television system in the Borough of Bound Brook ("Borough"). On February 5, 1982, the Board approved the transfer of the Certificate from Cross Country to TKR Cable Company ("TKR") in Docket No. 8112C-6860. On August 6, 1990, the Board issued a Renewal Certificate of Approval to TKR in Docket No. CE89040439. On April 2, 1997, the Certificate was transferred to TCI Atlantic, Inc. d/b/a TKR Cable Company ("TCI") in Docket No. CM96040359. On December 17, 1997, the Certificate was transferred from TCI to CSC TKR, Inc. d/b/a Cablevision of Raritan Valley ("Petitioner") in Docket No. CF97090674. Although the Petitioner's Certificate expired on August 12, 1999, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about February 19, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance on February 13, 2001. The Petitioner accepted the ordinance on March 12, 2001.

On September 7, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval, and the renewal municipal

¹ Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is eight years with an automatic renewal provision for a term of two years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Office of Cable Television finds these periods to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office serving this provision is located at 275 Centennial Avenue in Piscataway Township.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile figure ("HPM") is 35.
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the renewal ordinance. Within six months of written notice by the Borough, the Petitioner shall provide the Borough with an origination point selected by the Borough and install an upstream link, including the necessary fiber transport, switches and modulator, to enable the transmission of video programming from the site. Within six months of written notice by the Borough, the Petitioner shall also reconfigure

the PEG access channel in the Borough so that the Borough may have the option at any time of either: a) discrete reception of programming from the origination point only within the Borough's municipal limits; or b) reception of programming transmitted by Piscataway Community Television.

11. Within six months of written notice by the Borough, the Petitioner shall provide to the Borough the following new equipment: a) character generator; b) S-VHS VCR; c) two monitors; d) camera; e) tripod; and f) switcher.
12. The Petitioner also provides some access time on its local origination ("L.O.") channel and cablecasts public service announcements for non-profit organizations. The Petitioner provides some access equipment for use by its franchised municipalities and their residents.
13. Upon request, the Petitioner shall provide the standard installation and basic service to one outlet, free-of-charge, to each municipal government building including: a) the municipal building; b) the firehouses; c) rescue squad headquarters; d) the public library; and e) each accredited K-12 school in the Borough.
14. Upon cable Internet service becoming commercially available in the Borough and upon request by the Borough, the Petitioner shall provide one free cable modem and Internet access to all public libraries and to each accredited school capable of being served by a standard installation (150 feet).

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the

Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on August 12, 2007.

DATED: November 8, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY